

# County Court Week in Antebellum North Carolina

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Images may differ from those in the original article.

The courthouse that Davidson County officials opened in 1858 offers an excellent example of what antebellum North Carolinians thought a majestic, magnificent building should be. Now a county historical museum, the two-story structure in Lexington features classical, Corinthian-style columns. Building materials included local granite and handmade bricks.



*The Davidson County Courthouse built in Lexington in 1858  
now houses the Davidson County Historical Museum.*

Images by H. Scott Hoffmann, courtesy of the Davidson County Historical Museum.

Antebellum courthouses were designed to impress. In North Carolina during the antebellum era—roughly 1820 through the start of the Civil War—the county court served as the highest legal and administrative authority in each county. Four times a year (once during every three-month quarter), each court convened in its county seat for a weeklong session. During that week, people came to town from throughout the area to do legal business. They might have to register a *deed* or file a *bond*. (A deed recorded a land transfer or other contract. A person who took out a bond promised to do something; he would have to pay a certain amount of money if he did not.) A couple might arrive at the court wanting a justice of the peace to marry them, a family might come to pay taxes, or a citizen might want to watch a scandalous trial. A man might have to perform his civic duty by serving on a jury.

Most people in antebellum North Carolina lived on small farms. Even if they did not often travel into town, they probably went during court week. They likely rode a horse or rode in a horse-pulled wagon over rough, dangerous roads. When they went to town to do their legal business,

they probably also used the time to purchase supplies like seed or salt. Merchants and craftspeople such as coopers or blacksmiths were much busier during these court weeks. Taverns also saw a major increase in business. Towns often became much rowdier than usual. Because of all of the added activity and crowds, fights sometimes happened. In the streets outside the courthouse, one might see people drinking alcohol and gambling. There might be performers, preachers, and medicine salesmen, all with small groups of people gathered around them. There were people selling food, and others visiting with friends or picnicking on the grassy square in front of the courthouse. Street musicians and politicians might be wandering through the crowds. Court week livened up the town, just as the courtroom became lively with everything going on.

Some people might have to attend court because they were subpoenaed. A *subpoena* was a legal document that told persons that they must appear in court on a certain matter—to be witnesses in a trial, for example, or because someone was suing them. Being sued was a common legal way of settling a dispute. Disputes could involve minor things, such as determination of a land boundary, or more serious matters, such as an apprentice's claim that his master mistreated him. As already mentioned, people also came to court to serve on a jury, which was the duty of white male landowners. Twelve chosen jurors listened to the evidence in a case and decided the outcome. The decision usually favored the *plaintiff* (the suer) or the *defendant* (the person being sued). In some cases, jurors might have to determine the guilt or innocence of a person charged with a crime like stealing a hog or disturbing the peace. During the antebellum period, the county court did not hear cases involving major crimes, but court officials did have a responsibility to look into such matters.

At least three justices of the peace made up the county court. The governor, based on the recommendation of county officials, appointed these justices of the peace, sometimes called "JPs." The justices tended to be leading men in the community, and they were accepting a big responsibility. They could write the word *esquire* after their names, which showed that they were men of substance, or importance. The JPs could carry out certain duties individually, like performing a marriage. When three or more assembled as the county court, they had the most power. Other agents of the court existed, but none were as prominent or influential. The county's clerk of court, sheriff, register of deeds, treasurer, coroner, and surveyor helped the justices govern and keep order.

JPs did not actually have to meet in a courthouse, and in early North Carolina, they often met in people's homes. Over time, growing counties built courthouses. Those built during the antebellum era routinely were located in a highly visible spot in the center of town, and they usually were impressive and ornate, or fancy. The buildings often featured the Greek Revival or classical architectural style, reflecting people's belief that American government represented the best ideals of the ancient Greek democracy and Roman republic. Inside, a large room served as a courtroom. It had a raised desk (or dais, almost like a stage) where the justices sat; seats for the jurors; and seating for lawyers and spectators. Often, a railing or bar separated the area for the justices from the one for lawyers, as well as the lawyer and spectator areas.

When court was in session, many people came to watch the proceedings. When court was not in session, other groups might use the courtroom and other large rooms for meetings. For a while in 1858, the Davidson County Courthouse's grand jury room was used by "the Sabbath School in

Lexington . . . during the Cold Weather—Provide[d] Said Superintendant [saw] that the furniture of said Room [was] not injured nor the room defaced and Care taken that nothing be burnt by his pupils,” according to the Davidson County Minute Docket, November 1858 term. The building featured a big upstairs courtroom and offices for people including the clerks of the county court and the superior court, the sheriff, the register of deeds, and grand juries.

A session of county court created many different types of documents. The North Carolina State Archives in Raleigh houses many of them today. The most important documents are the court minutes, which contain many interesting stories about antebellum life. The clerk of court took these official minutes, writing down all the courtroom actions each day.

Court minutes often include lists of people who brought in deeds to be filed or lists of people who had not paid their taxes. When someone had died and left a will, that will was presented to the court for approval. Guardians might be appointed for children who had property to be protected. A person from Germany could come to the courtroom seeking to become a United States citizen, and someone else might be present to have a name legally changed. A man who had fought in the American Revolution might arrive in court requesting a pension. A widow could ask to be appointed to administer her husband’s estate if he died without leaving a will. A young widow might ask to have her son or daughter apprenticed—sent to a man or woman to learn a trade—because she could not afford the child’s upkeep. A man might come to court in order to manumit, or free, an enslaved person or to advertise that a slave had run away. Court minutes explain cases in which neighbors were fighting about the boundary between their farms and cases in which someone had hit someone else over the head. The minutes tell other stories about that county, such as which residents had been appointed or elected as public officials; what public buildings residents had or wanted to build; what existing roads needed to be worked on; and what roads, bridges, or jails had to be constructed.

In addition to the court minutes, other documents created—deeds, bonds, wills, or guardianship papers—are preserved in the State Archives. Numerous researchers use this material each year. By reading such documents, the historian can begin to form a picture of what took place inside the county courthouse and what Tar Heels’ lives were like. Many North Carolina counties have courthouses constructed during the antebellum era; most are no longer used as courthouses because they are too small for modern caseloads. But the buildings themselves still provide evidence of the people who erected and used them. The county court in antebellum North Carolina demanded the respect of its citizens. The magnificence and location of a courthouse can demonstrate the symbolic importance placed upon it. Together with written court records, these buildings continue to tell the story of long-ago Tar Heels.



*The Polk County Courthouse in downtown Columbus (shown 1945) offers a good example of Greek Revival style. The T-shaped building was completed in 1859, near the end of the antebellum period, and uses bricks made of native clay. Image courtesy of the State Archives, North Carolina Office of Archives and History.*

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